

IDAHO REAL ESTATE APPRAISER BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 4/30/2012

BOARD MEMBERS PRESENT: Brad Janoush - Chair
Travis Klundt
Paul J. Morgan
Jack R. Van Wyk

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Eric Nelson, Prosecuting Attorney
Roger Hales, Administrative Attorney
Maurie Ellsworth, Legal Counsel
Maria Brown, Technical Records Specialist

OTHERS PRESENT: Dylan Lawrence

The meeting was called to order at 8:31 AM MDT by Brad Janoush.

APPROVAL OF MINUTES

The Board reviewed the 2/1/2012 and 2/10/2012 minutes.

It was moved by Mr. Van Wyk to approve the 2/1/2012 and 2/10/2012 minutes as written. Seconded by Mr. Morgan, motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative update. The Board's final Rule changes are now in effect. The Temporary Rules defining a classroom hour went into effect on March 23, 2012.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicates a cash balance of (\$84,403.60) as of 3/31/2012.

FORMAL DISCIPLINARY ACTION

Mr. Nelson presented a memorandum for case REA-2011-11. Mr. Morgan recused himself from discussion and voting on case REA-2011-11. After review, the Board presented its recommendations to its prosecuting attorney.

Mr. Nelson presented a memorandum for case REA-2011-14. Mr. Morgan recused himself from discussion and voting on case REA-2011-14. After review, the Board presented its recommendations to its prosecuting attorney.

Mr. Nelson presented a memorandum for cases REA-2011-17, REA-2011-16, and REA-2011-15. It was moved by Mr. Van Wyk to close cases REA-2011-17, REA-2011-16, and REA-2011-15 with a strongly worded advisory letter. Seconded by Mr. Klundt, motion carried.

Mr. Nelson presented the Board a Stipulation and Consent Order for case REA-2010-11. It was moved by Mr. Morgan to accept the Consent Order for REA-2010-11 and authorize the Board Chair to sign on behalf of the Board. Seconded by Mr. Van Wyk, motion carried.

Mr. Hales presented an Affidavit of Costs and Fees, Respondent's Objection and Supplement to Objection, and the State's Motion for Briefing Schedule for case REA-2008-41. Mr. Janoush recused himself from discussion and voting on case REA-2008-41. It was moved by Mr. Van Wyk to direct counsel to notify the parties of a briefing schedule on the objection to costs and fees and file simultaneous briefs within 14 days of notice. Seconded by Mr. Klundt, motion carried.

WATER RIGHTS

Mr. Lawrence addressed the Board regarding water rights. He stated that a water right is real property. Mr. Janoush stated that he is concerned that there doesn't seem to be regulatory control over who is qualified to value water rights. Mr. Ellsworth read the definition of real property under Idaho Code 54-4104. The Board stated that it will continue to monitor this subject and thanked Mr. Lawrence for the information.

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report.

For Board Determination:

Case numbers I-REA-2011-1 and I-REA-2011-2. Following review, it was moved by Mr. Van Wyk to accept the Bureau's recommendation for closure for cases I-REA-2011-1 and I-REA-2011-2 with a strongly worded advisory letter. Seconded by Mr. Klundt, motion carried.

Case numbers I-REA-2012-16, I-REA-2012-17, I-REA-2012-18, I-REA-2012-19, I-REA-2012-21, I-REA-2012-22, and I-REA-2012-23. Following review, it was moved by Mr. Van Wyk to accept the Bureau's recommendation for closure for cases I-REA-2012-16, I-REA-2012-17, I-REA-2012-18, I-REA-2012-19, I-REA-2012-21, I-REA-2012-22, and I-REA-2012-23. Seconded by Mr. Klundt, motion carried.

PROBATION REPORT

Ms. Peel presented the probation report.

CORRESPONDENCE

Ms. Peel presented requests for termination of probation for cases REA-2010-9 and REA-2010-17.

It was moved by Mr. Morgan to approve the requests for termination of probation for cases REA-2010-9 and REA-2010-17. Seconded by Mr. Klundt, motion carried.

OLD BUSINESS

TO DO LIST

The Board reviewed the to do list. No action was taken.

PROPOSED LAW AND RULE CHANGES

The Board addressed the Appraiser Qualifications Board (AQB) criteria changes and directed staff to draft proposed law and rule changes and bring them to the Board for review during its next Board meeting. Mr. Janoush gave the Board an update on the appraisal management company (AMC) law. He stated that nothing was submitted to the Legislature in 2012. There is a group working on this issue and he will follow up with them and invite them to the next Board meeting for a status update.

NEW BUSINESS

APPRAISAL SUBCOMMITTEE

The Board discussed the correspondence from the Appraisal Subcommittee, (ASC) regarding statutory provisions affecting state appraiser regulatory programs. No action was taken.

CORRESPONDENCE

The Board reviewed an e-mail from Mr. Jimmy Black regarding approval of a college course that he has taken to upgrade his license. The Board approved Mr. Black's request to count the college math course toward the college requirement and asked Ms. Brown to follow up with Mr. Black.

The Board reviewed an e-mail from Mr. Paul Lorenzen regarding the ERC (relocation) Summary Appraisal Report. The Board stated that the current laws are clear regarding highest and best use. The scope of practice is determined by the highest and best use and even though it is a relocation appraisal, the appraiser would still be required to follow USPAP and have proper documentation in their file. The Board asked Ms. Brown to follow up with Mr. Lorenzen.

The Board reviewed an e-mail from Mr. Jim Ahern regarding the requirement that the 15 hour USPAP course must be taken within 5 years of the application date and requesting to not be required to complete a course matrix for appraisal courses that were taken prior to 1/1/2008. The Board agreed with Mr. Ahern's interpretation of the 15 hour USPAP requirement. Regarding the completion of each course module of the matrix, the Board stated that, in order to receive credit for the courses that were taken prior to January 1, 2008; an applicant would need to complete the matrix in its entirety for each of the courses, including breaking down the hours spent on each of the modules. The Board suggested that Mr. Ahern contact the provider for a timed outline for the courses and asked Ms. Brown to follow up with Mr. Ahern.

CONTINUING EDUCATION – RULE 275.03

The Board discussed Rule 275.03 and how the new 30 hour requirement within the previous 24 months would affect registered trainees. The Board stated that the requirement is clear and no action was taken.

AARO

Ms. Brown presented an overview of the Association of Appraiser Regulatory Officials spring meeting.

LICENSURE COUNT

The Board discussed the current licensee count.

EXECUTIVE SESSION

It was moved by Mr. Morgan that the Board go into executive session under Idaho Code § 67-2345(1) (d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. Seconded by Mr. Van

Wyk. The vote was: Mr. Klundt, aye; Mr. Morgan, aye; Mr. Janoush, aye; and Mr. Van Wyk, aye. Motion carried.

It was moved by Mr. Morgan that the Board enter regular session. Seconded by Mr. Van Wyk. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; and Mr. Van Wyk, aye. Motion carried.

APPLICATIONS

Approved for licensure by reciprocity

It was moved by Mr. Morgan to approve the following applicants for licensure by reciprocity:

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| VOLLMER SCOTT DOUGLAS | CRA |
| OWENS RONALD K JR. | CGA |

Seconded by Mr. Van Wyk, motion carried.

Approved for a Temporary Permit

It was moved by Mr. Morgan to approve the following applicants for a temporary permit:

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|----------------------|------|
| LOMONACO JEAN PIERRE | TCGA |
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Seconded by Mr. Van Wyk, motion carried.

Pending

It was moved by Mr. Morgan to hold the following applicants pending further information:

901114002

Seconded by Mr. Van Wyk, motion carried.

NEXT MEETING 6/18/2012

ADJOURNMENT

It was moved by Mr. Morgan that the meeting adjourn at 12:00 PM MDT. Seconded by Mr. Van Wyk, motion carried.